

ORIGINAL

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COMMISSION CLERK

MIAMI, FLORIDA

STATE OF FLORIDA  
COUNTY OF DADE

Before the undersigned authority personally appeared:

JOANNE LOPEZ

Who on oath that she is

ADVERTISING OFFICE MANAGER

Of the Miami Herald Publishing Company, a daily newspaper at Miami in Dade county, Florida; that the advertisement for:

Florida Public Service Commission

was published in said newspaper in the issue of:

The miami HERALD, Saturday, April 10th, 2004, on page 20A.

Affiant further says that the said Miami Herald is a newspaper published at Miami, in the said Dade County, Florida, and that the said newspaper has heretofore been continuously published in said Dade, County, Florida, each day and has been entered as second class mail matter at the post office in Miami, in said Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement.

- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- RCA \_\_\_\_\_
- SCR \_\_\_\_\_
- SEC 1
- OTH Carol Purvis

*Joanne D. Lopez*  
\_\_\_\_\_  
Joanne Lopez

Sworn to and subscribed before me

This 25<sup>th</sup> day of MAY A.D. 2004

*Lisa Ann Hernandez*  
\_\_\_\_\_  
Lisa Ann Hernandez



**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**  
**NOTICE OF HEARING AND PREHEARING CONFERENCE ON PETITION FOR DETERMINATION**  
**OF NEED FOR PROPOSED ELECTRICAL POWER PLANT**

TO  
FLORIDA POWER & LIGHT COMPANY  
AND  
ALL OTHER INTERESTED PERSONS  
DOCKET NO.: 040206-EI  
PETITION TO DETERMINE NEED FOR TURKEY POINT UNIT 5  
ELECTRICAL POWER PLANT, BY FLORIDA POWER & LIGHT COMPANY.

ISSUED: April 10, 2004.

NOTICE is hereby given that the Florida Public Service Commission will hold a hearing in the above docket at the time and place listed below.

Wednesday, June 2, 2004, 9:30 a.m.  
Betty Easley Conference Center, Room 148  
4075 Esplanade Way  
Tallahassee, Florida

June 3, 2004, has also been reserved for continuation of the hearing, if necessary. All persons who wish to be heard are urged to be present at the beginning of the hearing on June 2, 2004. The starting time of the second day's session will be announced at the conclusion of the first day's session. The hearing may be adjourned early if all testimony is concluded.

**PURPOSE AND PROCEDURE**

The purpose of this hearing will be for the Commission to take final action to determine the need, pursuant to Section 403.519, Florida Statutes, for the electrical power plant and related facilities proposed by Florida Power & Light Company (FPL) for construction in Dade County, Florida. This proceeding shall allow FPL to present evidence and testimony in support of its petition for a determination of need for the proposed plant and related facilities; to permit any intervenors to present testimony and exhibits concerning this matter; to permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

The proceedings will be governed by the provisions of Chapter 120, Florida Statutes, Section 403.519; Florida Statutes, and Chapters 25-22 and 28-106, Florida Administrative Code.

Under Section 403.519, the Commission is the sole forum for the determination of need for the electrical power plant and associated facilities. In making its determination, the Commission must take into account the need for electric system reliability and integrity, the need for adequate electricity at a reasonable cost, and whether the proposed plant is the most cost-effective alternative available. In addition, the Commission must expressly consider the conservation measures taken by or reasonably available to the applicants which might mitigate the need for the proposed plant and may consider other matters within its jurisdiction which it deems relevant. The Commission's determination of need for the Dade County facility shall create a presumption of public need and necessity and shall serve as the Commission's report required by Subsection 403.507(2)(a)(2), Florida Statutes. An order entered by the Commission pursuant to this hearing shall constitute final agency action.

Only issues relating to the need for the power plant and related facilities will be heard at the June 2-3, 2004, hearing. Separate public hearings will be held before the Division of Administrative Hearings at a later date to consider environmental and other impacts of the proposed plant and associated facilities.

Members of the public who are not parties to the need determination proceeding will have an opportunity to present testimony regarding the need for the proposed plant and associated facilities. All members of the public who wish to offer testimony should be present at the beginning of the hearing, 9:30 a.m., Wednesday, June 2, 2004. All witnesses will be sworn in and will be subject to cross-examination at the conclusion of their testimony.

Written comments regarding the need for the proposed plant and associated facilities may be sent to the Commission at the following address:

Blanca S. Bayó, Director  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0870  
Re: Docket No. 040206-EI

Anyone wishing to become a party to the need determination proceeding should file an appropriate petition pursuant to Rule 25-22.039, Florida Administrative Code, with the Director of the Commission's Division of the Commission Clerk and Administrative Services at the address listed above. Copies of the petition should be sent by mail to all parties. Those wishing to intervene in these proceedings, unless appearing on their own behalf, must be represented by an attorney or other person who can be determined to be a qualified representative pursuant to Chapter 120, Florida Statutes, and Rule 28-106.106, Florida Administrative Code. Petitions for leave to intervene must be filed at least five (5) days before the final hearing, must conform with Rule 28-106.201(2), Florida Administrative Code, and must include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the hearing.

**GENERAL LOCATION AND PROJECT DESCRIPTION**

The proposed electrical power plant is estimated to produce a summer net capacity of approximately 1,144 MW, and an approximate winter rating of 1,181 MW. The proposed plant is to be located adjacent to FPL's current Turkey Point complex, approximately 8 miles east of Florida City and 4.5 miles east of the eastern boundary of the city of Homestead, in Dade County, Florida. The proposed unit consists of a new natural-gas fired, four-on-one combined cycle facility, designed to utilize four combustion turbines, four heat recovery steam generators, and one steam turbine generator, and other related facilities. The proposed plant is estimated to commence commercial operation by June 2007.

**PREHEARING CONFERENCE**

A prehearing conference for this docket is scheduled for:

Wednesday, May 19, 2004, 9:30 a.m.  
Betty Easley Conference Center  
Commission Hearing Room 148  
4075 Esplanade Way  
Tallahassee, Florida

The purpose of this prehearing conference will be to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

**JURISDICTION**

Jurisdiction over this matter is vested in the Commission by Section 403.519, Florida Statutes.

**APPLICATION**

A copy of the Petition for Determination of Need and supporting exhibits is available for public inspection during normal business hours at the following location:

Florida Public Service Commission  
Division of the Commission Clerk and Administrative Services  
4075 Esplanade Way  
Room 110 - Betty Easley Conference Center  
Tallahassee, Florida

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

By DIRECTION of the Florida Public Service Commission this 10th day of April, 2004.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

(SEAL)